

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KAMIL BRITTINGHAM	:	CIVIL ACTION
	:	
v.	:	
	:	
SUPERINTENDENT SOBINA et al.	:	NO. 08-1761

ORDER

AND NOW, this 27th day of January, 2005, upon careful and independent consideration of the petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, and after review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa, IT IS HEREBY ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED with the following changes:
 - a. The prisoner pled guilty before the Honorable Joseph P. Cronin, Jr. to one consolidated count of robbery and one consolidated count of conspiracy on February 2, 2004.
 - b. The petitioner did not file a direct appeal of this judgment of sentence, which became final on March 4, 2004.
 - c. Petitioner did not file his Pennsylvania Post-Conviction Relief Act claim until December 28, 2005.
 - d. Petitioner's time in which to file a federal

claim for habeas corpus expired one year after his state court judgment became final, which was on March 4, 2005.

e. At no time was the statute of limitations tolled before March 4, 2005.

2. The petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 is DENIED.
3. There is no basis for the issuance of a certificate of appealability.

BY THE COURT:

/s/Mary A. McLaughlin
MARY A. McLAUGHLIN, J.